

Serial No. 10/044,589
Response dated September 7, 2005
Reply to Office Action of June 7, 2005

Attorney Docket No. PF02187NA

REMARKS/ARGUMENTS

Claims 28 through 47 remain in this application. Claims 28, 30, 37 and 39 have been amended.

Claims 30, 37 and 39 are hereby amended to correct innocuous, typographical errors. Specifically, the word "associate" in claims 30 and 39 has been changed too "associated", and the last word of claim 37 has been changed from "references" to "messages". Approval of these changes to claims 30, 37 and 39 is respectfully requested.

Claims 28 through 47 are rejected under 35 U.S.C. §103(a) as being unpatentable U.S. Patent No. 6,539,421 to Appelman, et al. ("Appelman, et al. patent") and further in view of U.S. Patent No. 6,727,916 to Ballard ("Ballard patent").

Claim 28 as amended provides, *inter alia*, determining a presence of a message creation reference in the real-time communication message, the message creation reference indicative of a message creation event associated with initial creation of the real-time communication message. Claim 37 as amended provides, *inter alia*, a controller that sorts the real-time communication message based upon the message creation reference, in which the message creation reference being indicative of a message creation event associated with initial creation of the real-time communication message. Thus, the message creation reference of each real-time communication message is associated with *initial creation* of the message. The message creation reference is not tied to the sending or receipt of a message, but to when the message is created. Support for the

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above added recitation is provided at page 8, lines 5 through 12, of the specification and shown by steps 410 and 420 of FIG. 4.

In contrast, the Appelman, et al. patent and the Ballard patent do not describe or suggest a message creation reference based on initial creation of a message. The Appelman, et al. patent describes general concepts of instant messaging systems in which time stamp fields identify when messages are sent or received (col. 8, lines 64 through 67), and the Ballard patent does not describe any type of message reference. The Appelman, et al. patent and the Ballard patent do not describe or suggest any type of message creation reference of a real-time communication message associated with initial creation of the message, as required by claims 28 and 37. Therefore, claims 28 and 37 distinguish patentably from the Appelman, et al. patent, the Ballard patent and the suggested combination of these patents.

Claims 29 through 36 and 38 through 47 depend from and include all limitations of independent claims 28 and 37 as amended. Therefore, claims 29 through 36 and 38 through 47 distinguish patentably from the Appelman, et al. patent, the Ballard patent and the suggested combination of these patents for the reasons stated above for claims 28 and 37.

In view of the above, reconsideration and withdrawal of the rejection of claims 28 through 47 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope

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of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
Thomsen, Soeren, et al.

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